

Jones v. the United Kingdom (communicated case) - 34356/06

Article 6

Article 6-1

Access to court

State immunity in civil action for torture: *communicated*

[This summary also covers the communicated case of *Mitchell and Others v. the United Kingdom*, no. 40528/06]

The applicants allege that they were subjected to torture while in custody in the Kingdom of Saudi Arabia. The first applicant (Mr Jones) subsequently commenced civil proceedings in the English High Court against the Kingdom, the Saudi Ministry of Interior and an individual officer. The other three applicants issued proceedings against four individuals: two police officers, a deputy prison governor and the Saudi Minister of the Interior. The High Court ruled that all the defendants were entitled to immunity under the State Immunity Act 1978 and refused the applicants permission to serve the proceedings outside the jurisdiction. On appeal, the Court of Appeal drew a distinction between immunity *ratione personae* (which applied to the State, the serving head of State and diplomats) and immunity *ratione materiae* (which applied to ordinary officials, former heads of State and former diplomats). It upheld the High Court's decision in respect of the Kingdom and the Ministry, but allowed the applicants' appeal in respect of the individual defendants. The issue then went to the House of Lords, which agreed with the High Court that all the defendants were entitled to immunity, even where the allegation against them was one of torture. The applicants complain of a violation of their right of access to court.

Communicated under Article 6 § 1.